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May 8, 1998

VIA HAND DELIVERY

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Dear Ms. Salas:

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Enclosed please find an original and nine copies of Petroleum Communications, Inc.'s comments in WT Docket No. 97-207, In the Matter of Calling Party Pays Service Option in the Commercial Mobile Radio Service. Please date stamp the enclosed file copy and return it with the courier to our office. If you have any questions regarding this matter, please telephone me at (202) 371-0062.

Very truly yours,

Jay N. Lazrus
Jay N. Lazrus

Enclosures

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Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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MAY - 8 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
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Calling Party Pays Service)
Option in the Commercial Mobile)
Radio Service)
)

WT Docket No. 97-207

To: The Commission

COMMENTS OF PETROLEUM COMMUNICATIONS, INC.

Petroleum Communications, Inc. ("PetroCom"), by its attorneys, hereby submits its comments in the captioned proceeding in response to the Commission's Public Notice seeking comment on the "Petition for Expedited Consideration of the Cellular Telecommunications Industry Association," Commission Release DA 98-468, released on March 9, 1998 ("Petition for Expedited Consideration").

1. PetroCom, as one of two carriers licensed by the Commission to provide cellular radio telephone service in the Gulf of Mexico, supports the Petition for Expedited Consideration and urges the Commission to promptly issue a Notice of Proposed Rulemaking to adopt rules to govern the calling party pays service ("CPP").

2. As the comments in the CPP Proceeding demonstrate, there is extensive agreement among industry members with respect to most CPP issues. CTIA is correct in suggesting that this means that the Commission should remove the regulatory barriers to CPP and let market forces determine when and how CPP is implemented.¹

¹ Petition for Expedited Consideration at p. 3.

3. The Commission should adopt a nationwide caller rule. CPP is appropriately characterized by CTIA as a Commercial Mobile Radio Service (“CMRS”) mechanism.² As with other services classified as CMRS, the Commission has exclusive jurisdiction over the rates set by a carrier offering CPP. Thus, the Commission should preempt any attempt by a state to regulate CPP rates.³

4. For CPP to succeed, it must be simple to implement by the carriers and easy to understand by the users. As CTIA notes, the Commission will reduce caller confusion regarding CPP if it adopts a national, uniform notification rule.⁴ Without Commission regulation, a caller could potentially encounter 50 different kinds of notifications. Encountering the same notification on every call will promote consumer’s understanding and acceptance of CPP. At the same time, a national notification rule will also foster compliance by carriers with the notification rule that is adopted. With one national notification rule, carriers will not inadvertently provide a caller in one state with the notification approved by another state.

5. The notification should provide the caller with sufficient information to understand the charge imposed by the carrier for the call. However, the notification should not inundate the caller with so much information that the caller becomes confused. For this reason, PetroCom suggests a notification process whereby a caller is notified that the caller will be billed for the call and is provided a telephone number to contact in the event that the caller requires specific billing information.

² Petition for Expedited Consideration at p. 5.

³ 47 U.S.C. §332.

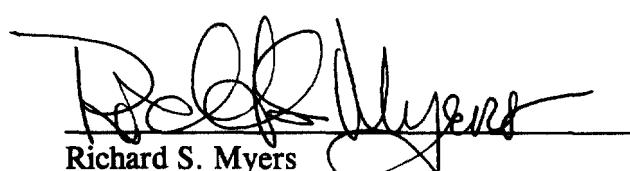
⁴ Petition for Expedited Consideration at p. 4.

6. The Commission should adopt rules to ensure that carriers can create legally enforceable obligations with calling parties. Typically, an enforceable obligation between a common carrier and a caller using that carrier's service is created by the common carrier filing a tariff with the Commission describing the service and the rates charged for that service. A similar procedure would work well for CPP. In this regard, PetroCom supports CTIA's proposal that the Commission permit CMRS providers to file either: (1) informational CPP tariffs, (2) CPP contracts, or (3) periodic CPP informational reports.⁵

7. CPP is important for the CMRS industry. For this reason, PetroCom respectfully requests that the Commission expeditiously issue a Notice of Proposed Rulemaking and adopt rules for CPP which are consistent with the principles described in these comments and the record in the CPP proceeding.

Respectfully submitted,
PETROLEUM COMMUNICATIONS, INC.

By:



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⁵ Petition for Expedited Consideration at p. 8.

CERTIFICATE OF SERVICE


I, Katrina Blackwell, an employee in the law firm Myers Keller Communications Law Group, hereby certify that on this 8th day of May, 1998, a copy of the foregoing Comments was served by hand delivery upon the following:

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